

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID LAWRENCE JOHNSTON,)
Petitioner,) No. CV-05-078-CI
v.) ORDER ADOPTING REPORT AND
CAROL PORTER, et al.,) RECOMMENDATION AND GRANTING
Respondents.) RESPONDENTS' MOTION TO
DISMISS

Magistrate Judge Imbrogno filed a Report and Recommendation on September 29, 2005, recommending Respondents' Motion to Dismiss (Ct. Rec. 23) be granted. The court has considered the Objection filed by Petitioner.

The court **ADOPTS** the Report and Recommendation. Respondents' Motion to Dismiss is **GRANTED**. Petitioner's claims are **DISMISSED WITHOUT PREJUDICE**; each party shall bear their own costs.

IT IS SO ORDERED. The District Court Executive shall forward copies of this Order to Petitioner and counsel for Respondents. Judgment shall be entered and the file shall be closed.

DATED this 20th day of October, 2005.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE

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